

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

MICHAEL F. LAFORGE,
Plaintiff,

v.

JANICE GETS DOWN, NATASHA S.
MORTON, LEROY NOT AFRAID,
SHEILA WILKENS ON NOT
AFRAID,
Defendants.

CV-17-48-BLG-BMM-TJC

ORDER

Pro se Plaintiff Michael F. LaForge has filed an amended application to proceed in district court without prepaying fees or costs. (Doc. 7.) This application contains his signature, as the Court ordered (Doc. 6) after reviewing United States Magistrate Judge Timothy Cavan's recommendation on LaForge's original motion (Doc. 5).

The Court may permit indigent litigants to proceed in forma pauperis upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The Court

has broad discretion in determining whether a litigant may proceed in forma pauperis. *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963).

A court can grant leave to proceed in forma pauperis if the applicant's affidavit sufficiently indicates that the affiant cannot pay court costs and still provide the necessities of life for himself and his family. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948). A plaintiff need not be "absolutely destitute" in order to proceed in forma pauperis. *Id.*

Mr. LaForge's financial affidavit indicates modest income. (Doc. 7.) Nevertheless, circumstances allow Plaintiff to file in forma pauperis. Accordingly, the application is granted; the filing fee is waived.

When a plaintiff proceeds in forma pauperis, the Court must pre-screen the complaint before allowing the plaintiff to serve it to ensure the claims are not frivolous or malicious. The Court likewise considers whether the complaint fails to state a claim, or seeks solely monetary relief from a defendant who is immune. *See* 28 U.S.C. §§ 1915(e)(2), 1915A(b).

Here, Mr. LaForge alleges that Defendants, a number of Crow Tribal Court officials, wrongfully entered judgment to remove his modular home from his trust land. Taking the allegations in the Complaint as true, the Court finds Mr. LaForge sufficiently alleges facts to merit service. Mr. LaForge may proceed with his case.

Based on the foregoing, the Court issues the following:

ORDER

1. Mr. LaForge's Motion to Proceed In Forma Pauperis (Doc. 7) is
GRANTED.
2. The Complaint is deemed filed on May 5, 2017. The Clerk shall create a new docket entry so reflecting.
3. Service of the Complaint and Summons on Defendants is authorized.

DATED this 9th day of May, 2017.



Brian Morris
United States District Court Judge